

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on rollcall No. 49. Had I been present, I would have voted "aye."

Mr. VAN HOLLEN. Mr. Speaker, on rollcall Nos. 47, 48, and 49, I was unavoidably detained. Had I been present, I would have voted "aye" on these rollcalls.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 684

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 684, the District of Columbia Student Opportunity Scholarship Act of 2003. I was signed on by mistake.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at noon), the House stood in recess subject to the call of the Chair.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 1 minute p.m.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY), the distinguished majority leader for purposes of inquiring about the calendar.

Mr. DELAY. Mr. Speaker, I appreciate the Whip yielding to me, and I would note, Mr. Speaker, that the House has completed its business for the week.

While we expected to consider the Armed Services Tax Fairness Act today, some problems with the bill have arisen, and we intend to work through those problems over the next several days and hope to consider the bill in the very near future.

Mr. Speaker, if the gentleman would continue to yield.

Mr. HOYER. I would be glad to yield to my friend.

Mr. DELAY. The House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices early next week. There will be no votes in the House before 6:30 on Tuesday.

On Wednesday, we expect to consider several health-related measures: the

Automatic Defibrillation in Adam's Memory Act, the Organ Donation Improvement Act, the Mosquito Abatement for Safety and Health Act, the Birth Defects and Developmental Disabilities Prevention Act. We will also consider a bill addressing medical errors. We expect several of those measures to be considered under suspension of the rules.

On Thursday, we expect to consider H.R. 5, the HEALTH Act, to improve patients' access to health care and reduce health care costs by reforming our medical liability system, and that is the schedule for next week.

I thank the gentleman for yielding and happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

I want to tell the gentleman I am of two minds on the fact that we have removed from floor consideration the Armed Forces Tax Fairness Act. Of two minds because I think all of us agree that the underlying bill was a bill that we should have passed today, indeed yesterday or the day before yesterday. It is an Act that tells our service people that we are sending into harm's way that we want to make sure that we can limit the financial consequences of that service to country, as much as we possibly can.

So I lament the fact that we have had that removed from the schedule. However, I say I am of two minds because I am pleased that it was removed because we added to that bill extraneous pieces of legislation, which in and of themselves individually may have been subject to worthy debate. There was some in there that I thought were not, but having said that, I would hope that when this bill is reported back that it can be presented in a form that all 435 of us can vote for, because 435 of us, in my opinion, are for it.

So, as I say, I am of two minds. I am sorry that it is delayed, but I am sure that it will come back, hopefully soon, and that we can pass it in the form that all of us support it, and I would ask the gentleman, in that vein, does the gentleman know if this bill will be coming back next week?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, first, I appreciate the gentleman's concerns. I might also add, the gentleman should never have to apologize for a delay, but as the gentleman knows, the Committee on Ways and Means worked on this bill and marked it up last week in open process and within the rules of their committee and the House and many of the provisions that were added to the Military Tax Fairness bill were added, in many cases, by voice vote and unanimous votes. Some were controversial, but the committee acted in good faith and marked up the bill and there was full participation by every Member on that committee.

Unfortunately, as the bill headed towards the floor, as the gentleman

knows, there were concerns raised by our Members and as well as the gentleman's Members, and we felt compelled that we needed to address those concerns before we actually bring it to the floor, and that is what we are going to try to do in the next several days, and hopefully, we will get a bill that everybody can vote for.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

To press the point, I understand that my colleagues need to work on that and try to work out whatever problems existed, but in light of that, it is the gentleman's expectation he will be able to work out those problems next week so we can pass this bill in a form that will allow us to pass it with the overwhelming support that I think it has on this floor if it is the base bill? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I want this bill as much as anybody. It is very, very important, as the gentleman has already stated. It is important to give our military families the tax relief that they deserve, and we want to do this.

I remind the gentleman that this bill, the Military Armed Services Tax Fairness Act, has passed this House almost unanimously twice, and we hope that we can get it up here just as soon as possible. As soon as we get everything ironed out and the bill ripens a little bit, we will bring it to the floor.

Mr. HOYER. Reclaiming my time, and in an effort again to be helpful, I think that the majority leader is correct. Everybody wants this bill to pass, and the shame of it not passing today is, I am sure the gentleman shares, is that we somehow sent a message to our Armed Forces personnel arrayed across this globe, and particularly in the Middle East, at risk and they look to this capital and know full well that this bill is passed with over 400 votes and must be concluding to themselves that it was politics and political division that undermined the passage this day.

So I know my colleague is working towards this objective. This is not a criticism of the gentleman, and it was an open session in the Committee on Ways and Means, and as my colleague recalls, I am sure, the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, a Republican, raised the issue that this was a real problem, in open session, in committee.

So it was obviously on both sides of the aisle that we are concerned about the fact that we politicized an otherwise bipartisan, nonpartisan objective that we wanted to achieve, and I look forward to that coming back hopefully in the posture that it was in when we, 400 of us plus, came together to pass that legislation. So I would hope that can happen.

Mr. DELAY. Mr. Speaker, if the gentleman would yield.

Mr. HOYER. I would be glad to yield to my friend.

Mr. DELAY. Mr. Speaker, the gentleman was absolutely right. It was an open process in the committee, and I may stand corrected, but I believe there were Democrat amendments approved by the committee as well as Republican amendments approved by the committee in developing what at least the committee thought was a bipartisan bill. So, unfortunately, these things happen in the legislative process, and fortunately, we can correct those problems hopefully.

Mr. HOYER. I suppose whether it was a bipartisan bill or not is in the eye of the definer, I suppose, and notwithstanding that, I would hope, again, it would come back in a form that all of us could vote for it and it would not be extraneous matters.

Those extraneous matters may well have merit, but why argue them on their merit or demerit, and we ought not to hold hostage our men and women in the Armed Forces, in harm's way, families disrupted by being called to service. We ought not to say to them anything but that we are prepared to act together, we are prepared to act quickly and we are prepared to make sure that, to the extent we can, we will diminish the financial burden that their service to our country requires.

On the medical malpractice bill that the gentleman indicates will be on the floor next week, on today's major piece of legislation which we have been discussing, the Committee on Rules denied two of our ranking members' ability to offer key amendments, and we are very concerned about that. Can the leader inform me if he knows what kind of rule there will be for the medical malpractice bill, what he anticipates will be in order?

Mr. DELAY. Mr. Speaker, if the gentleman would yield.

Mr. HOYER. I will be glad to yield to my friend.

Mr. DELAY. Mr. Speaker, I do not believe there has been any discussion as to what kind of rule we would bring to the floor in order to bring the medical justice bill to the floor.

In the past, we have always, on this kind of legislation, allowed the minority to have a substitute. The chairman of the Committee on Rules obviously, along with the Committee on Rules, will consider amendments that other Members may offer, and as the gentleman well knows, the rule will be written sometime next week, so that we can bring the bill to the floor.

Mr. HOYER. Mr. Speaker, I thank the leader for his comments. I am aware of the fact that the Committee on Rules has been extraordinarily advantaged by the addition of a new chief staffer on that committee who will, I think, add greatly to the consideration of that committee of alternatives.

Mr. Pitts is a man that I have found to be fair and knowledgeable with respect to this House. He is as well an individual who was involved when the Republicans were in the minority of lamenting the fact that we did not give

fair and full opportunity of loyal opposition to offer alternative proposals, and I would hope that we would reverse, frankly, the practice that has gone from 1995 to date where increasingly we have reduced the opportunity of the minority party to offer alternatives, either in the nature of substitutes or in amendments to the base bill.

I say that very seriously because I think that my colleagues were frankly correct when they were in the minority, making the proposition that that would improve legislation, and we ought to vote it up or down. If it was good when the gentleman was in the minority, presumably that same principle is good when they are in the majority.

We are tested somewhat when the shoe shifts from foot to foot to see where we want to put that foot I suppose, but I would hope that on this bill, which is a controversial bill, a bill, that is, we believe has great consequence for patients, for doctors, for hospitals, we want to make sure that our people have the best medical service available to them and that our doctors and that our hospitals and that our patients have the ability to work with one another to effect that. We have some ideas on that. We have some ideas how that can be effected, and we are hopeful, respectfully, and we would urge that the Committee on Rules give us a full and fair opportunity to present our alternative ideas if we have them. If we do not have them when we support your proposals, then fine, but if we have alternative ideas, we would urge on legislation of such great consequence to the American public that we fully debate options and ways and means of solving the problems that we are addressing.

Mr. DELAY. Mr. Speaker, would the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's concerns, and the gentleman said earlier it is all in the eyes of the beholder. In the eyes of this beholder, we think we have been more than generous with the minority, and in showing that, to entice Mr. Pitts to come work for the Committee on Rules shows our generosity to the minority because he is a very fair man, a very creative man in dealing with rules and really understands how this House works, and we hoped that by Mr. Pitts coming to work for the Committee on Rules it was a signal to everyone in the House that everyone in the House would be treated fairly.

Mr. HOYER. Reclaiming my time, I thank the gentleman for his comments. I do not want to prolong this too much.

I want to say with all sincerity, I share the gentleman's view of Mr. Pitts. I have worked with him over a long period of time. I have extraordinary respect and affection and regard for Bob Michel, for whom he worked effectively and for a long time.

□ 1315

I want to tell the gentleman, as sincerely as I can say on this floor, caring about this institution, frankly, if Billy Pitts is making the determination of what he thinks is fair or not fair, from his perspective from a long time in the minority, as to what the minority's rights ought to be in terms of offering alternatives on this floor, of having time to debate on this floor, of having individual amendments considered, I will tell the gentleman that I am confident that it will be done fairly.

But I will also tell the gentleman with equal sincerity that I have had my staff do an analysis from 1995 to date; and there has been, from 1995 to 2002, an almost straight-line reduction in the alternatives in bills allowed to the minority as we consider major pieces of legislation. I do not think that is good for our country, I do not think it is good for this institution, and it is not good for the comity between our two parties.

The gentleman from Texas and I have had an opportunity to work closely together on many items of great concern to this institution. We have worked well together. The gentleman and I have very serious disagreements on issues, but we do not have disagreements on the fact that this institution ought to operate as effectively as possible on behalf of our country. We share that in common, and I know we will continue to share that in common. But I really sincerely urge the gentleman, as the leader of his party on this floor and working with the gentleman from California (Mr. DREIER) and Mr. PITTS, to say to the American public and to this institution that we are prepared to debate these matters, we are prepared to debate these matters fully and fairly and give options to the minority party.

I will say to my friend there was some discussion in our party. We had one motion, as the gentleman knows, to adjourn, and there was some discussion that we ought to make many more motions and have disruption. We did not do that. But I will tell my friend that there is great concern on this side of the aisle that if we do not have a fair and open system to consider legislation that we will not be as cooperative as we otherwise would like to be, and so that the American public can be best served.

On the budget, Mr. Leader, if I can, when do we expect the budget to be on the floor?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield.

Mr. HOYER. I yield to the gentleman.

Mr. DELAY. The distinguished whip understands that the Committee on the Budget is working as we speak, and continues to work to develop a product that they can mark up in the very near future. We fully expect to move a budget resolution through the House under a time frame that gives us ample opportunity to have a conference with

the Senate and complete the budget resolution by April 15, as required by law.

It is a very ambitious schedule, I know; and it is putting a lot of pressure on a lot of Members to make a lot of decisions in a very short period of time. But we feel very strongly that we need to get this budget done as quickly as possible.

Mr. HOYER. I thank the gentleman. One additional question, which this is sort of a follow-up on what I have just discussed. In the past, as the gentleman knows, we have had a number of substitutes which have been offered. Our Congressional Black Caucus has offered substitutes, our Blue Dog Caucus has offered substitutes, and I know the gentleman will be happy to hear that it is fully my expectation that the minority on the Committee on the Budget will have a Democratic alternative. I noted that the gentleman urges us to do that; and he and I share that view, and we are going to do that. But will we be allowed, Mr. Leader, to offer those substitutes as we have in the past as well as offer amendments that are requested?

I realize the gentleman cannot answer to all the amendments, because I do not know what amendments will be asked for; but will there be consideration of valid amendments that have broad-based support?

Mr. DELAY. Mr. Speaker, if the gentleman will further yield.

Mr. HOYER. I yield to the gentleman.

Mr. DELAY. I thank the gentleman for yielding. We want to follow precedent as to how we want to approach the debate on the budget, and certainly I do not want to make decisions for the Committee on Rules. They are more than capable of making their own decisions about how to bring the budget to the floor and what kind of debate we will have. But as the gentleman has already noted, we have always been open to alternatives to the majority's budget as laid out by the Committee on the Budget.

The Congressional Black Caucus has always had a substitute and others have had substitutes. I think this is because it is such an important issue, the budget of this Nation and its government; and we are hoping to have as open a debate as possible.

Mr. HOYER. I thank the gentleman very much for those comments.

ADJOURNMENT TO MONDAY, MARCH 10, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, March 10, 2003.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 11, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 10, that it adjourn to meet at 12:30 p.m. on Tuesday, March 11, 2003, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ARMED FORCES TAX FAIRNESS ACT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, what began as the "Armed Forces Tax Fairness Act" for those bravely serving around the world, a bill to ensure that their families would not be taxed on the small, \$6,000 death benefit payable to those families when someone is killed in conflict, that bill has now been totally perverted. The Republican leadership has desecrated the noble purpose of this bipartisan legislation.

In addition to the tax-free winnings for foreigners on horse races that was already in the bill, last night, in a truly shameful act, the House Republican leadership insisted on including in this military tax fairness bill an amnesty provision for corporate tax dodgers for the "ex-patriots" who have renounced America and planted their mailbox in the sands of Bermuda, even following the horrible attacks of September 11, in order to avoid paying their fair share of our military and other needs, the Republicans want to grant them amnesty.

While Americans are concerned with protecting their families, they need to know that the leadership of this House has launched a sneak attack to protect the corporate expatriates who have renounced America, and they do so in a misnamed bill, the "Armed Forces Tax Fairness Act."

ARMED FORCES TAX FAIRNESS ACT

(Mr. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUI. Mr. Speaker, we were to take up a bill today, which was H.R.

878, and the bill would have basically provided tax relief for our young men and women who are in the armed services, particularly those in the Persian Gulf at this time, 240,000 of them. It would have eliminated capital gains tax if and when they would sell their private residence. And if in the event that one or two of them would pass away or die, it would provide nontaxability of any survivor benefits that they would receive. This bill needs to be passed very quickly, because the President plans to go to war within the next 2 weeks or so. We are almost certain of that.

One of the problems is that last week, as the bill was in the House Committee on Ways and Means, my Republican colleagues added to the legislation a number of special interest tax breaks. Unfortunately, now it will slow the bill down. They took it off the floor of the House today because they could not even get enough votes on their side of the aisle to pass it. And, secondly, if it should pass, it will get bogged down in a House-Senate conference.

ARMED FORCES TAX FAIRNESS ACT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman very much.

Mr. Speaker, these tax breaks would provide for foreigners who place bets outside the United States on horse races a tax break. It would provide special tax breaks for the blend of diesel fuel and water. It will provide a special tax break for manufacturers of fishing tackle boxes. In all, \$300 million worth of tax breaks like these would have been provided. A wide variety of these tax breaks would be given to these different companies, many of whom have contributed to the colleagues who in fact have offered them.

I think this is tragic. We have a situation where our young men and women are put in harm's way. We want to give them some relief so that at least they can have some peace of mind when it comes to selling their house. And many will have to sell their homes. That is one of the reasons we gave this tax break, mainly because their income is going to go down, and many have families back home.

As a result of that, we are slowing this process down now. So I would just hope they would bring the bill back, stripping off these special tax provisions.

Once again, Mr. Speaker, I want to thank the gentleman from Georgia for yielding to me.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for his leadership and all his good work.